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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,005	08/21/2003	Mark Jeffries	58026	6229
27148	7590	06/12/2006	EXAMINER	
POL SINELLI SHALTON WELTE SUELTHAUS P.C. 700 W. 47TH STREET SUITE 1000 KANSAS CITY, MO 64112-1802			SANTOS, ROBERT G	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/645,005	JEFFRIES, MARK	
	<b>Examiner</b>	<b>Art Unit</b>	
	Robert G. Santos	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 March 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-13 and 15-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 10-13, 15-23, 25 and 26 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 4,834,279 to McDowell et al. Method steps are considered to lack patentable weight in apparatus claims; accordingly, with regards to claims 10, 17, 18 and 26, McDowell et al. '279 are considered to show the use of a faceplate subassembly (10) comprising the structure of a pan blank (12, 18, 22) of a first predetermined configuration; a gasket blank (20) of a second predetermined configuration (as shown in Figure 2, the thickness of element 20 is less than the combined thickness of elements 12 and 18); adhesive material (22) disposed between the pan blank and the gasket blank; and a third predetermined configuration (30) different than the first and second predetermined configurations wherein the peripheral edges of the gasket blank are substantially coincident with the peripheral edges of the pan blank (as shown in Figure 3). As concerns claims 11 and 20, the reference shows a condition wherein the gasket blank includes a first layer of the adhesive material (22) and a second gasket sheet layer (20). With regards to claim 12, the reference is considered to show a condition wherein the pan blank includes an inward recessed portion (element 32, which is formed within elements 12 and 18A as shown in Figure 3) and the gasket blank includes an opening (32) correspondingly configured with respect

Art Unit: 3673

to the recessed portion (also as shown in Figure 3). As concerns claim 13, it is considered that element 22 is inherently a double backed adhesive member since it adheres to both elements 12 and 20. With regards to claim 15, the reference discloses a condition wherein the pan blank includes an inward recessed portion (element 32, which is formed within elements 12 and 18A as shown in Figure 3) and the adhesive layer includes an opening (32) correspondingly configured with respect to the recessed portion (also as shown in Figure 3). As concerns claim 16, the reference is considered to show a condition wherein the adhesive member includes an outer periphery of a predetermined configuration corresponding to the third predetermined configuration (30) in Figure 3.

With regards to claims 19, 21 and 22, the reference is considered to show conditions wherein the gasket blank contacts the pan blank and wherein the gasket blank is dimensioned such that the gasket blank extends beyond the pan blank (as shown in Figure 2, element 20 extends beyond the top surface of element 12). As concerns claims 23 and 25, the reference discloses conditions wherein the pan blank includes a recessed portion (element 32, which is formed within elements 12 and 18A as shown in Figure 3) and the gasket blank includes an internal opening (32) correspondingly configured to the recessed portion and wherein the recessed portion of the pan blank is aligned with the internal opening of the gasket blank (also as shown in Figure 3).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3673

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over McDowell et al.' 279. McDowell et al. '279 do not specifically disclose a condition wherein the peripheral edges of the unitary pan and gasket member extend beyond the peripheral edges of the adhesive member. It would have been an obvious matter of design choice at the time the invention was made to modify the perimeter of the unitary pan and gasket member such that it extended beyond the peripheral edges of the adhesive member since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. *In re Rose*, 105 USPQ 237 (CCPA 1955).

#### ***Response to Amendment***

5. Applicant's arguments with respect to claims 10-13 and 15-26 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Fritz '486, Fritz '612, Raden '050 and Belter '454.

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 3673


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suzanne L. Barrett can be reached on (571) 272-7053. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3673

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Robert G. Santos  
Primary Examiner  
Art Unit 3673

R.S.  
June 7, 2006